

Senate Chamber, Atlanta, Georgia
Friday, January 28, 2005
Eighth Legislative Day

The Senate met pursuant to adjournment at 9:00 a.m. today and was called to order by the President.

Senator Balfour of the 9th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following Senate legislation was introduced, read the first time and referred to committee:

SB 69. By Senators Mullis of the 53rd, Schaefer of the 50th, Stephens of the 27th, Smith of the 52nd, Rogers of the 21st and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for special and distinctive Choose Life, Inc., license plates; to provide for issuance, renewal, fees, licensing agreements, applications, transfers, and disposition of funds relative to such license plates; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Public Safety and Homeland Security Committee.

SB 70. By Senators Thompson of the 33rd, Stoner of the 6th, Mullis of the 53rd, Powell of the 23rd and Thompson of the 5th:

A BILL to be entitled an Act to amend Code Section 36-22-2 of the Official Code of Georgia Annotated, relating to definitions concerning community greenspace preservation, so as to include land used as or dedicated for use as a cemetery within the definition of greenspace for a limited purpose; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

- SB 71. By Senators Thompson of the 33rd, Stoner of the 6th, Powell of the 23rd and Thompson of the 5th:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to list duties that may be required of certificated teachers; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

- SB 72. By Senators Thompson of the 33rd, Stoner of the 6th, Powell of the 23rd and Thompson of the 5th:

A BILL to be entitled an Act to amend Code Section 20-2-182, relating to program weights relative to state funding of local school systems, so as to provide for compliance with maximum class size requirements for each individual classroom; to prohibit determining compliance with maximum class size requirements by system average; to revise or delete obsolete provisions; to restore provisions enacted in 2000 and suspended during school years 2003-2004 and 2004-2005; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

- SB 73. By Senators Thompson of the 33rd, Stoner of the 6th, Powell of the 23rd and Thomas of the 54th:

A BILL to be entitled an Act to amend Part 4 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to state funds for local school systems under the "Quality Basic Education Act," so as to delete special financing and expenditure provisions for school years 2003-2004 and 2004-2005; to restore the applicability of financing and expenditure provisions previously enacted; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

- SB 74. By Senators Rogers of the 21st, Goggans of the 7th, Tolleson of the 20th, Hill of the 32nd, Chance of the 16th and others:

A BILL to be entitled an Act to amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to other educational programs under the Quality Basic Education Act, so as to provide that no high school which receives funding under such article shall participate

in, sponsor, or provide coaching staff for interscholastic athletic events which are conducted under the authority of, conducted under the rules of, or scheduled by any athletic association unless the charter, bylaws, or other governing documents of such athletic association comply with certain requirements and standards; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

SB 75. By Senators Seabaugh of the 28th, Smith of the 52nd, Hill of the 32nd, Carter of the 13th, Thomas of the 54th and others:

A BILL to be entitled an Act to amend Code Section 33-3-27 of the Official Code of Georgia Annotated, relating to reports of awards under medical malpractice insurance policies, so as change certain provisions relating to the types of awards that are reported; to amend Code Section 43-34-37 of the Official Code of Georgia Annotated, relating to the authority to refuse to license or discipline a physician, investigation, and enforcement, so as to change provisions relating to investigations of certain matters; to provide for definitions; to provide for additional investigation and assessment under certain circumstances; to provide for implementation of certain matters contingent upon funding; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SB 76. By Senators Hill of the 32nd, Smith of the 52nd, Seabaugh of the 28th, Carter of the 13th, Whitehead, Sr. of the 24th and others:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to change certain provisions relating to medical malpractice insurance rate filings; to change certain provisions relating to rate increases for medical malpractice insurance; to provide for approval or rejection of such rate increases; to provide for certain hearings in connection with such rate increase approvals; to provide for certain notices and reports; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Insurance and Labor Committee.

- SB 77. By Senators Unterman of the 45th, Hudgens of the 47th, Schaefer of the 50th, Goggans of the 7th, Shafer of the 48th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 11 of Title 15 of the O.C.G.A., relating to parental notification, so as to define and eliminate certain terms; to require certain types of identification to be presented in order for a physician to perform an abortion; to amend Chapter 12 of Title 16 of the O.C.G.A., relating to offenses against health and morals, so as to provide that all abortions must be performed in certain facilities; to provide for certain reports by physicians; to provide for certain forms; to provide for certain reports by the Department of Human Resources; to provide for a short title; to provide for definitions; to require that a female give her informed consent prior to an abortion; to provide for related matters; to provide for severability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

- SB 78. By Senator Williams of the 19th:

A BILL to be entitled an Act to amend Article 3 of Chapter 11 of Title 43 of the Official Code of Georgia Annotated, relating to dental hygienists, so as to provide for additional exception to the requirement of direct supervision of a dental hygienist in certain settings; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

- SB 79. By Senators Williams of the 19th, Pearson of the 51st, Rogers of the 21st, Goggans of the 7th, Heath of the 31st and others:

A BILL to be entitled an Act to amend Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to competencies and core curriculum, so as to provide expressly that local boards of education are authorized to provide additional elective courses for students in specified grades; to provide for state funding of such additional elective courses; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

- SB 80. By Senators Williams of the 19th, Staton of the 18th, Goggans of the 7th, Tolleson of the 20th, Johnson of the 1st and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official

Code of Georgia Annotated, relating to elections and primaries generally, so as to provide for the nonpartisan election of sheriffs; to provide for the qualifying for such offices; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations (General) Committee.

- SB 81. By Senators Hudgens of the 47th, Carter of the 13th, Kemp of the 46th, Grant of the 25th and Meyer von Bremen of the 12th:

A BILL to be entitled an Act to amend Article 2 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, known as the "Patient Access to Eye Care Act" and further relating to the blindness education, screening, and treatment program, and Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to recodify the provisions relating to patient access to eye care as a portion of Title 33, the "Georgia Insurance Code"; to provide for enforcement by the Commissioner of Insurance and the powers of the Commissioner related thereto; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

- SB 82. By Senators Hamrick of the 30th, Schaefer of the 50th, Hudgens of the 47th, Cagle of the 49th, Shafer of the 48th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to financial institutions, so as to supplement definitions relating to financial institutions; to define time parameters for meeting notices; to implement personnel policies; to promulgate regulations promoting parity with federal financial institutions; to prohibit certain persons from participating in financial institutions; to allow Georgia and federal courts access to financial information; to lengthen the time for closure of stock transfer books; to protect the shareholders during bank conversions, mergers, and consolidations; to require notice to the department when articles are amended; to update the financial requirements for licensure of mortgage brokers; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Banking and Financial Institutions Committee.

SB 83. By Senator Hamrick of the 30th:

A BILL to be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to change certain provisions relating to the Department of Community Health's powers, duties, and functions; to require hospitals and medical facilities to make certain information available on their Internet websites; to require hospitals and medical facilities to provide estimates of charges to patients; to require hospital authorities to make certain information available on their Internet websites; to require hospital authorities to provide estimates of charges to patients; to provide for the collection and dissemination of certain information by the Department of Human Resources; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SB 84. By Senators Staton of the 18th, Williams of the 19th, Chapman of the 3rd, Rogers of the 21st, Chance of the 16th and others:

A BILL to be entitled an Act to amend Code Section 21-2-417 of the Official Code of Georgia Annotated, relating to form of proper identification at polls, so as to change the forms of identification that are acceptable at the polls; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes

Referred to the State and Local Governmental Operations (General) Committee.

SB 85. By Senators Tate of the 38th, Butler of the 55th, Seay of the 34th, Miles of the 43rd, Jones of the 10th and others:

A BILL to be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to establish the Georgia Rx Program to reduce prescription drug prices for residents of this state; to provide a short title; to provide for legislative intent; to provide definitions; to provide for operation of the program; to establish the amount of rebates; to require disclosure of savings to program enrollees; to require drug manufacturers who sell prescription drugs to the state to enter into a rebate agreement; to provide for the commissioner of community health to negotiate rebates with drug manufacturers; to require retail pharmacies that participate in the program to discount the price of drugs covered by a rebate agreement; to provide for participating pharmacies to submit claims and receive reimbursement for discounted prices; to provide for the collection of utilization data; to provide for the disclosure of the names of manufacturers who do not enter into rebate

agreements; to provide for resolution of discrepancies in rebate amounts; to establish a dedicated fund for rebates; to provide for reports; to provide for outreach efforts; to authorize the adoption of rules and regulations; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SB 86. By Senators Chapman of the 3rd, Williams of the 19th, Goggans of the 7th, Johnson of the 1st, Whitehead, Sr. of the 24th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 22 of the Official Code of Georgia Annotated, relating to general provisions applicable to eminent domain, so as to change certain provisions relating to the nature of the right of eminent domain; to provide for the limitation of public purposes for which eminent domain may be exercised; to provide for statutory construction; to provide for legislative intent; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SR 48. By Senators Golden of the 8th, Adelman of the 42nd, Stoner of the 6th and Thompson of the 5th:

A RESOLUTION proposing an amendment to the Constitution so as to provide that the General Assembly shall continue in session for no longer than 30 days each year; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Rules Committee.

SR 49. By Senators Harp of the 29th, Shafer of the 48th, Hill of the 32nd, Schaefer of the 50th, Pearson of the 51st and others:

A RESOLUTION proposing an amendment to the Constitution, in a manner consistent with the United States Constitution, so as to prevent discrimination in the public funding of social services by allowing religious or sectarian organizations to receive public aid, directly or indirectly, for the provision of such services; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Rules Committee.

The following committee reports were read by the Secretary:

Mr. President:

The Health and Human Services Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 48 Do Pass
SB 51 Do Pass

Respectfully submitted,
Senator Thomas of the 54th District, Chairman

Mr. President:

The Judiciary Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 3 Do Pass by substitute

Respectfully submitted,
Senator Smith of the 52nd District, Chairman

The following legislation was read the second time:

SB 6

Senator Harbison of the 15th asked unanimous consent that Senator Hooks of the 14th be excused. The consent was granted, and Senator Hooks was excused.

Senator Seay of the 34th asked unanimous consent that Senator Thompson of the 33rd be excused. The consent was granted, and Senator Thompson was excused.

The roll was called and the following Senators answered to their names:

Adelman	Henson	Seay
Brown	Hill,Jack	Smith
Bulloch	Hill,Judson	Starr
Butler	Hudgens	Staton
Cagle	Johnson	Stephens
Carter	Jones	Stoner
Chance	Kemp	Tate
Chapman	Me V Bremen	Thomas,D
Douglas	Miles	Thomas,R

Fort	Moody	Thompson,C
Goggans	Mullis	Tolleson
Golden	Powell	Unterman
Grant	Reed	Weber
Hamrick	Rogers	Whitehead
Harbison	Schaefer,N	Wiles
Harp	Seabaugh	Zamarripa
Heath		

Not answering were Senators:

Balfour	Hooks (Excused)	Pearson
Shafer, D	Thompson, S (Excused)	Walker
Williams		

The following members were off the floor of the Senate when the roll was called and wish to be recorded as present:

Senator: Pearson Williams

The members pledged allegiance to the flag.

Senator Tate of the 38th introduced the chaplain of the day, Reverend Dr. Thomas Brown of Atlanta, Georgia, who offered scripture reading and prayer.

Senator Tate of the 38th introduced the doctor of the day, Dr. Alan Plummer.

The following resolutions were read and adopted:

SR 46. By Senators Seay of the 34th, Unterman of the 45th, Butler of the 55th, Miles of the 43rd, Thomas of the 2nd and others:

A RESOLUTION recognizing February 3, 2005, as Go Red for Women Day; and for other purposes.

SR 47. By Senators Golden of the 8th and Carter of the 13th:

A RESOLUTION commending and congratulating the Valdosta State University Football Team; and for other purposes.

SR 50. By Senators Brown of the 26th, Staton of the 18th and Tolleson of the 20th:

A RESOLUTION welcoming citizens and public officials from Macon and

Bibb County, observing March 1, 2005, as Macon Day in Atlanta-Taste of Macon; recognizing the 2005 Cherry Blossom Festival; and for other purposes.

Senator Hill of the 4th recognized the Georgia Association of Black State Universities, commended by SR 37, adopted previously.

Senator Johnson of the 1st asked unanimous consent that Senator Smith of the 52nd be excused. The consent was granted, and Senator Smith was excused.

SENATE RULES CALENDAR
FRIDAY, JANUARY 28, 2005
EIGHTH LEGISLATIVE DAY

SB 34 Ga. Master Teacher Program; Academic Coach Program; establishment; regulations (Substitute)(ED&Y-56th)

Respectfully submitted,

/s/ Balfour of the 9th, Chairman
Senate Rules Committee

The following legislation was read the third time and put upon its passage:

SB 34. By Senators Moody of the 56th, Weber of the 40th, Johnson of the 1st, Williams of the 19th, Thomas of the 54th and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 2 of Title 20 of the O.C.G.A., the "Quality Basic Education Act," so as to provide for legislative findings; to provide for the establishment of the "Georgia Master Teacher Program"; to provide for the establishment of criteria for Master Teacher Certification; to provide for the establishment of rules and regulations by the Professional Standards Commission; to provide for the establishment of the "Academic Coach Program"; to provide for the establishment of rules and regulations by the State Board of Education; to provide for the employment of an academic coach by a public school in accordance with a school improvement plan; to provide for monetary and other incentives for academic coaches; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate Education and Youth Committee offered the following substitute to SB 34:

A BILL TO BE ENTITLED
AN ACT

To amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the "Quality Basic Education Act," so as to provide for legislative findings; to provide for the establishment of the "Georgia Master Teacher Program"; to provide for the establishment of criteria for Master Teacher Certification; to provide for the establishment of rules and regulations by the Professional Standards Commission; to provide for the establishment of the "Academic Coach Program"; to provide for the establishment of rules and regulations by the State Board of Education; to provide for the employment of an academic coach by a public school in accordance with a school improvement plan; to provide for monetary and other incentives for academic coaches; to provide for the establishment of a Master Teacher and Academic Coach Implementation Committee; to provide for the composition, duties, and duration of the committee; to provide for automatic repeal; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the "Quality Basic Education Act," is amended by inserting a new Code section after Code Section 20-2-204 to be designated Code Section 20-2-205 to read as follows:

"20-2-205.

(a) The General Assembly finds that excellent public school teachers deserve recognition for the extraordinary learning opportunity they provide to Georgia students.

(b) The Professional Standards Commission is authorized and directed to establish the 'Georgia Master Teacher Program' to provide recognition to certificated public school teachers who exhibit excellence in the classroom.

(c) The Professional Standards Commission shall establish criteria for a Master Teacher Certification. Such criteria shall include, at a minimum, evidence of student achievement, which must include student progress. A public school teacher with three or more years of teaching experience in Georgia may submit an application to the Professional Standards Commission for a Master Teacher Certification. The Professional Standards Commission shall review each application and determine whether a teacher meets the criteria for a Master Teacher Certification. If the Professional Standards Commission finds that a teacher's application meets the criteria, the teacher will be given a Master Teacher Certification, and that teacher will be known as and may be called a Master Teacher for a term to be determined pursuant to rules and regulations of the Professional Standards Commission, but in no event longer than seven years. The Professional Standards Commission is authorized to develop rules and regulations governing the Master Teacher Certification.

(d) This Code section shall be repealed on June 30, 2009."

SECTION 2.

Said article is further amended by inserting new Code sections after Code Section 20-2-

212.4 to be designated Code Sections 20-2-212.5 and 20-2-212.6 to read as follows:

"20-2-212.5.

(a) The General Assembly finds that many teachers wish to spend their entire career teaching in a classroom setting. However, the current salary structure offers few financial incentives for public school teachers to continue in the classroom throughout their careers. The General Assembly finds that new opportunities for career advancement must be developed to encourage excellent public school teachers to continue teaching students and to contribute to the development of other teachers.

(b) The State Board of Education is authorized and directed to establish the 'Academic Coach Program' to provide certificated public school teachers who exhibit excellence in the classroom with salary supplements or bonuses in exchange for mentoring other public school teachers. The state board is authorized to develop rules and regulations for such program, including requiring reports, data, or other measures of accountability.

(c) A local school system desiring the expertise and competency of an academic coach in one or more of its schools shall develop a school improvement plan for each such school which identifies the academic strengths and the areas which need improvement in each such school and which identifies areas where the expertise and competency of an academic coach could lead to improved academic performance of its students. A local school system desiring an academic coach in one or more of its schools shall submit such plan or plans on behalf of the school or schools in its district to the Department of Education which will certify that the plan or plans includes identified deficiencies in school performance that an academic coach can address. Once such certification is obtained, the school system may employ an academic coach or coaches according to the terms of the school improvement plan to be a classroom teacher for one or more segments per day or to perform other duties commensurate with the school improvement plan.

(d) Prior to working as an academic coach in a school, an academic coach must receive a Master Teacher Certification from the Professional Standards Commission, as provided for in Code Section 20-2-205, and participate in professional learning relative to performing duties as an academic coach and to the teaching and learning needs identified in the school improvement plan as described in subsection (c) of this Code section.

(e) As part of its review of a school improvement plan, the school council at each school is authorized to request and receive data from the school relative to the school's utilization of an academic coach and whether such use of an academic coach has led to increased academic performance.

(f) The state board is authorized, subject to appropriations by the General Assembly, to:

(1) Provide funds to local school systems that release academic coaches from the regular classroom for one or more segments per day;

(2) Compensate academic coaches with salary supplements if they serve schools that have received an unacceptable rating for a period of two or more consecutive years; and

(3) Compensate academic coaches and other teachers or personnel participating or involved in the program with bonuses based on demonstrated school-wide gains in student achievement.

Nothing shall prohibit local boards of education from providing additional salary supplements and bonuses to any teacher serving as an academic coach.

(g) This Code section shall be repealed on June 30, 2009.

20-2-212.6.

The Governor shall appoint a Master Teacher and Academic Coach Implementation Committee to advise the Professional Standards Commission and the State Board of Education on the development of such rules governing the Georgia Master Teacher Program, in accordance with Code Section 20-2-205, and the Academic Coach Program, in accordance with this Code section. Such committee shall include at a minimum, two Department of Education staff members, two State Board of Education members, two Professional Standards Commission staff members, two Professional Standards Commission members, four teachers, one local school superintendent, one principal, one local school board member, two parents of public school students, the director of the Office of Student Achievement or his or her designee, one staff member from Georgia's Leadership Institute for School Improvement, the chair of the Senate Education Committee or his or her designee, the chair of the House Committee on Education or his or her designee, and the director of the Office of Planning and Budget. The implementation committee shall hold public hearings across the state for the purpose of receiving input from parents, teachers, and other educators. In addition to developing recommendations for rules governing the designation of Master Teachers, the implementation committee shall develop recommendations for guidelines designed to provide information to principals on hiring and utilizing the services of an academic coach. The Master Teacher and Academic Coach Implementation Committee shall make its recommendations to the Professional Standards Commission and the State Board of Education no later than December 31, 2005. The implementation committee shall be disbanded on December 31, 2005. This Code section shall be repealed on December 31, 2005."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

Senator Shafer of the 48th offered the following amendment:

Amend the Senate Education and Youth Committee substitute to SB 34 (LC 33 0596-ECS) by inserting after "repeal;" on line 11 of page 1 the following:

"to amend Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to teachers and other school personnel, so as to provide for legislative intent; to provide for a definition; to provide for the purchase of professional liability insurance for teachers, principals, and other certificated personnel by the state; to provide that such insurance coverage will automatically cover certain school personnel and will be at no cost to such personnel; to provide for the administration of the program; to provide for an effective date for insurance coverage;".

By inserting between lines 9 and 10 of page 4 the following:

"SECTION 3.

Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to teachers and other school personnel, is amended by adding after Part 6 a new part to read as follows:

'Part 6A

20-2-900.

The General Assembly finds that a crisis confronts public education in Georgia relating to the exposure to personal liability of classroom teachers and other certificated personnel. Consequently, responsible and competent persons may decline to accept positions in schools, with resulting detriment to the quality of our public education system. This crisis has reached a point where the purchase of protection through liability insurance and the defense of civil and criminal actions at public expense, as part of the public compensation paid to such teachers and other certificated personnel, offers a feasible solution. Therefore, the General Assembly finds that the expenditure of public funds for such purposes in these circumstances is for educational purposes and in furtherance of the support and maintenance of public schools and public education. It is therefore the intent of the General Assembly that teachers, principals, and other certificated personnel in public schools in this state be protected from liability from monetary damages and the cost of defense of actions resulting from claims made against them arising out of occurrences in the course of activities in their professional capacity.

20-2-901.

(a) For purposes of this Code section, 'certificated personnel' means all teachers, principals, and other education personnel certificated by the Professional Standards Commission.

(b) The Department of Administrative Services shall be authorized to purchase a policy or policies of professional liability insurance, subject to appropriations by the General Assembly, insuring certificated personnel who are employed by a local school system. Such policy or policies shall protect against damages arising out of the performance of their duties or in any way connected therewith. The amount of such insurance and the appropriate coverages shall be in the discretion of the Department of Administrative Services, subject to specific appropriations by the General Assembly.

(c) Insurance coverage provided pursuant to this Code section shall automatically cover all certificated personnel who are employed by a local school system and shall be at no cost to such certificated personnel.

(d) The program of insurance under this part shall be administered by the Department of Administrative Services and such department shall be authorized to promulgate any necessary rules and regulations to implement such program.

(e) The program of insurance shall be effective for insurance coverage of certificated personnel no later than July 1, 2005."

By redesignating Sections 3 and 4 as Sections 4 and 5, respectively.

Senator Stephens of the 27th requested a ruling of the Chair as to the germaneness of the amendment.

The President ruled the amendment not germane.

Senator Shafer of the 48th appealed the ruling of the Chair.

The President deferred to the Senate Parliamentarian President Pro Tempore Johnson of the 1st.

The President Pro Tempore ruled the amendment not germane.

On the adoption of the substitute, the yeas were 36, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	E Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	E Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Y Thompson,C
Y Douglas	Moody	E Thompson,S
Y Fort	Y Mullis	Y Tolleson
Y Goggans	Y Pearson	Y Unterman

Y Golden	Y Powell	Walker
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer,N	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 51, nays 0.

SB 34, having received the requisite constitutional majority, was passed by substitute.

The following communication was received by the Secretary:

Senator Dan Moody
District 56
421-C State Capitol
Atlanta, GA 30334

Committees:
Education and Youth
Insurance and Labor
Appropriations
Rules
Ethics
Reapportionment and Redistricting

The State Senate
Atlanta, Georgia 30334
January 28, 2005

Mr. Frank Eldridge
Secretary of the Senate
353 State Capitol
Atlanta, Georgia 30334

Dear Mr. Eldridge:

During the rush of my introduction and discussion of SB 34 on the floor today, I failed to cast my favorable vote for the bill. I would like the record to show in the Journal that I am in full support of this legislation.

Thank you.
/s/ Dan Moody

Senator Stephens of the 27th moved that the Senate adjourn pursuant to SR 19 until 1:00 p.m. Monday, January 31, 2005.

The motion prevailed, and the President announced the Senate adjourned at 10:48 a.m.